

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.L.C. and D.C., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

FRITZ W. SIEVERT, III,

Respondent-Appellant,

and

TONI CUNNINGHAM,

Respondent.

UNPUBLISHED

March 18, 2003

No. 243473

Macomb Circuit Court

Family Division

LC No. 00-049427-NA

Before: Griffin, P.J., and Neff and Gage, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(A) and (E).

The children were taken into the court's custody in June 2000 following allegations of neglect, specifically that respondent-appellant and Toni Cunningham, the children's natural mother, had failed to follow-up on the children's medical treatments and that they lacked suitable housing and employment to support the children. In November 2001, the children were placed back in the home of respondent-appellant and Ms. Cunningham. They were removed by Protective Services twelve days later when the electricity in the home was shut off for nonpayment and respondent-appellant placed his family in the home of the paternal grandfather, who was found to have a criminal history. Respondent-appellant subsequently occupied four different homes. His employment documentation for 2001 and 2002 indicated that he was making insufficient income to support the children. Respondent-appellant also failed to complete individual and family counseling, prepare a written daycare plan detailing the care of the children if returned to his care, prepare a written budget detailing the manner in which he

would repay his outstanding debts, and submit random drug screens, all of which were required under his parent-agency agreement. Respondent-appellant's visitation privileges with the children were suspended in March 2002 following an outburst by respondent-appellant and his father at petitioner's office, which was witnessed by the children.

Based on the foregoing evidence, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Contrary to respondent-appellant's argument, the trial court made appropriate findings of fact and conclusions of law, in compliance with the requirements of MCR 5.974(G). While the trial court did not recite the applicable statutory citations, it did recite the statutory language on which it relied in terminating respondent's parental rights.

Respondent-appellant's argument that petitioner failed to provide reasonable efforts towards reunification with the children was not preserved below. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Richard Allen Griffin
/s/ Janet T. Neff
/s/ Hilda R. Gage